

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of MICHAEL MCKINNEY and
MICHELLE MCKINNEY, Minors.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

MICHAEL MCKINNEY,

Respondent-Appellant,

and

CANDY MURRAY,

Respondent.

Before: Gage, P.J., and Gribbs and Hoekstra, JJ.

MEMORANDUM.

Respondent-appellant appeals as of right from a family court order terminating his parental rights to the minor child. We affirm.

Respondent-appellant's sole argument on appeal is that the trial court improperly terminated his parental rights without finding that a statutory basis for termination was proven by clear and convincing evidence. This argument is without merit. The record indicates that the court did not announce a statutory basis for termination because respondent-appellant voluntarily consented to the termination of his parental rights. As this Court stated in *In re Toler*, 193 Mich App 474, 477; 484 NW2d 672 (1992):

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Family Division

LC No. 97-0340-00 NA

In this case, the judge failed to articulate the statutory basis for termination and instead relied on the agreement between the parties. We determine that a respondent can consent to termination of his parental rights under the juvenile code, in which case the judge need not announce a statutory basis for it.

Because respondent-appellant does not contend that his consent to termination was not voluntarily and understandingly made, there is no basis for disturbing the order terminating his parental rights to the children.

Affirmed.

/s/ Hilda R. Gage
/s/ Roman S. Gibbs
/s/ Joel P. Hoekstra